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SEP - 8 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY PHILIP MARTINEZ DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE W.D. OF TEXAS / EL PASO DIVISION

JUDGE PHILIP MARTINEZIN Re: JONATHAN JONES;
PETITIONER,

v.

WARDEN J.L. WILLIS
(et.al.) Respondent.§ NOTICE: ACTION INVOLVES FRCivP.
(5.1) Constitutional Challenge
to several federal statutes

§

Related Filings:§ 28 USCS § 1346 FTCA Suit
Cause No. _____§ ID Bivens Action
Cause No. _____

FRCiv.P (5.1)/28 USCS § 2403

§ FRCiv.P. (4) SUMMONS

EP 16 CV 0406

PETITION FOR WRIT OF HABEAS CORPUS UNDER

28 USCS §§ 2241 et. seq.

"CONDITIONS OF CONFINEMENT" -- SEXUAL ABUSE

PERSONAL INFORMATION

1. JONATHAN JONES("Prisoner/Petitioner"), is not known by any other names, he is currently housed at FCI/ FSL La Tuna P.O. Box 6000/Anthony, New Mexico/TX. zip code 88021, (fed. reg. no.- 21477-051)
2. Petitioner is a prisoner under FEDERAL Jurisdiction
3. *District of New Mexico/Case No. 2:10-CR-00101-RB*
4. This petition challenges the "Conditions of Confinement" WARDEN J.L. WILLIS is aware of the PREA-Type SEXUALLY Abusive Orders and Incident, his purposeful indifference, and refusal to address same, is the basis of this suit/28 USCS § 2403 Request for Intervention by the USA Atty. Gen.(Mdm L. Lynch)
5. see [August 29th, 2016 Affidavit] & exhibits
6. These incidents occurred on, or about March of 2016
7. Inmate Jones attempted informal resolution with Captain Lee, Jones reported incident to Cpt. Lee however, the allegations were neither taken seriously, nor investigated, perhaps not even documented

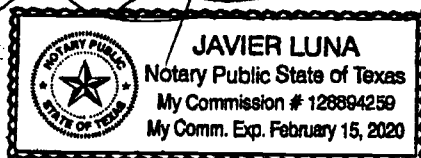
[March 22, 2016]

8. Inmate Jones filed (3) separate BP-9's; outlining the many aspects of the morally intrusive, sexually abusive, and highly invasive **self-body cavity** search; LT. Uribe requested--[this request was proffered, as if a **BARGAIN-Exchange, etc., quid pro quo**- Lt. Uribe **ABUSED** his authority, made an offer which was beyond his purview, and violated not only this prisoner's constitutional Rights; but also, certainly -**SEVERAL STATE AND FEDERAL CRIMINAL- SEXUAL ABUSE LAWS and Statutes**
9. In or About, May of 2016, no response from the #3) BP-9's, INMATE Jones attempted to make copies of a sensitive BP_10, educ.tech; Simpson-REFUSED; Jones sent the ORIGINAL & only copy of same, to South Central Regional Offices 344 Marine Forces Dr., Grand Prarie, Texas 75051(*address posted) pre-paid postage for first class/certified-registered mail-- the reg. mail coupon was not returned the green card, was not returned, and usps.com cannot find(where this mailing) was even received at the EL Paso , Post Office; therefore, the "LOST" Sensitive- BP-10, and no response from WARDEN Willis for over (6) months, amounts to Adminstrative Remedies being [**UNAVAILABLE / EXHAUSTED**]
10. 28 USCS § 2255 N/A
11. Immigration Appeals N/A
12. There are several Related Filings/Appeals, :
 28 USCS § 1346 FTCA Suit- cause no. _____
 id BIVENS Action -- cause no. _____
 Fed. R. Civ. P (5.1)/ 28 USCS § 2403
 Constitutional Challenge to several Federal Stat.s
 Complaint to O.I.G. (PREA -28 CFR §§ 115)
13. **GROUND'S FOR THIS CHALLENGE**
 - A] Lt. URIBE offered Prisoner-Jones, in exchange for allowing CO Hernandez and Himself(Lt. URIBE) to supervise-the removal of fecal samples by this prisoner, from his anus, by means of self fingering-repeatedly--- **RELEASE** From SHU/close observation/disciplinary segregation, etc. c could be obtained[ONLY the WARDEN can authorize release from SHU]
 - B] CO Corral and CO mendoza were witnesses to this Agreement/Quid Pro Quo-Offer; CO hernandez watched with LT. URIBE while JONES completed such **HOMOSEXUALLY DEVEANT** and **Morally Repugnant Orders**; Cpt. Lee ignored and arbitrarily covered up-**THE REPORTING OF THESE SEXUAL ABUSE CLAIMS** 28 CFR §§ 115 **ZERO TOLERANCE/PREA**


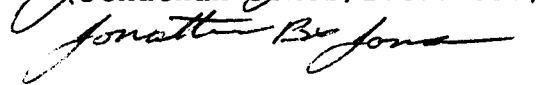
14. 28 CFR §§ 540.10-12 ; 28 CFR §§ 542.10-19;
 18 USCS §§ 1501-19 and 18 USCS §§ 2241 et.seq.
 are thereby, FRCiv.P. 5.1 "Constitutionally Chal-
 lenged", 28 USCS § 2403 Certification, thereto
 the USA Atty. Gen, should initiate Investigation,
 Intervention, and Intereession, thereaqaainst
15. **RELIEF REQUESTED**
- A] Immediate Transfer to a different institution
 within (500 mi.s) of Inmate Jones release res-
 idence. [i.e. un-escorted furlough transfer
 to FPC Safford, FPC Tucson, or FPC Big Springs)
- B] TRO-Temporary Restraining Orders for LT. Uribe,
 CO Corral, CO Hernandez, and CO Mendoza-
 These Officers, WARDEN J.L. WILLIS, nor CPT
 LEE , should be allowed within the FSL Com-
 pound, nor within any close proximity to
 INMATE Jones, pending resolution, HERETOFORE
- C] 28 CFR §§ 115/ PREA -ZERO TOLERANCE Enforcement
 Any Administrator or Institution Staff, who
 did not fully comply, therewith-- or who vio-
 lated the PREA/SEXUAL Misconduct Prohibitions
 [shall] be terminated , FORTHWITH

Signed, Sealed, Sworn to, and
 Witnessed by me, this 29th day
 of August, 2016, Year of Our,
 [LORD]

x 
 (notary public/Seal)



Respectfully Submitted,

x 
 (Jonathan Jones/21477-051)


28 USCS § 1746 Affidavit, In Support , thereof:
[§ 2241 Habeas Pet., § 1346 FTCA-Suit, and id BIVENS Action]

THE FOREGOING SALIENT FACTS, are permitted and required, in Order to support, evidence, and establish, moreover prove, these sworn declarations, as made hereunder, by AFFIANT, also witnessed, and attested, thereunto in the presence of the undersigned, notary public.& Sealed, thereby. THEREFORE, as-a-Matter-of-LAW, such assertions, [SHALL], with like force-- Become in effect established, evidenced, and proven by (same).

I, Jonathan B. Jones("Affiant"), as subscribed by me, present these true and correct facts, in substantially the same form, on this 29th, day, of August, 2016 :

- a] AFFIANT, attended regularly scheduled visitation, on March 14th, 2016; whereupon leaving, and having been searched already, was accosted by LT. Uribe, CO Corral and CO Mendoza. These federal officers made false claims, while attempting to intimidate affiant, that they had witnessed him receive and consume contraband of some sort.
- b] Affiant was hand-cuffed, and remanded to disciplinary segregation/"close observation"-dry cell, he was rudely ordered to produce urine and fecal samples [within the first 24 hours (2) stool, and (1) urine were all tested and found to be without a trace of any chemicals, contraband, or foreign substance, whatsoever.

c] On March 15th, 2016, at or about 1p.m., affiant was approached, while still under "close observation", by Lt. Uribe, he was asked to produce more samples. Affiant was dehydrated, could hardly intake any food-due to stress, and uncertainty of this predicament, finally affiant requested a laxative(i.e. as per FBOP Policy 5521.06 (c) (3)). Lt. URIBE, responded, in an unacceptably inappropriate manner, [THAT Inmate Jones could use his finger/hand to obtain sample]

d] Lt. Uribe further offered, a quid pro quo/exchange, etc.

[IF INMATE JONES WOULD ALLOW CO HERNANDEZ, AND HE TO SUPERVISE, WHILE HE REPEATEDLY FINGERED HIS ANUS TO REMOVE SAMPLES He, LT. Uribe would release Jones, back to regular housing, from "close observation"/ S.H.U.

CO 's Corral and Mendoza are aware of such proffer, Captain Lee was also notified of same, and WARDEN J.L. Willis has ignored, and failed to properly document, or report same, in accordance, therewith 28 CFR § 115 PREA- ZERO Tolerance Directives

- e] Some samples were obtained, to the dissatisfaction of Lt. Uribe, on March 17th, midmorning, or so, a second sample was provided, also negative. JONES was finally released-back-to inmate general housing[NO Infraction Reported]
- f] Affiant, informed CO hernandez, he was severely traumatized, that he wished to KILL HIMSELF, the degradation, and sexual abuse was the cause, thereof March 17th,2016
- g] On March 18th, 2016, affiant attempted to informally resolve(FBOP 1330.18) this situation, with Captain LEE, [PREA/Institution Compliance Coordinator] Cpt. Lee insulted Inmate Jones, and disregarded affiants claims of Sexual Abuse, without reporting, nor documenting, same
- h] CO Hernandez, confirmed that the morally intrusive, sexually abusive, and criminally violative-Offer, Order, and self-Body Cavity search, witnessed by him, was logged.

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ~~DEPUTY~~

IN THE UNITED STATES DISTRICT COURT

JUDGE PHILIP MARTINEZ

IN THE W.D. OF TEXAS/ EL PASO DIVISION

IN RE: JONATHAN JONES,
Plaintiff-Petitioner,

v.

The UNITED STATES, (et.al.),
FBOP-FCI/FSL La Tuna :
WARDEN J.L. Willis, Lt.Urbe,
CO Hernandez, Co Corral,
CO Mendoza, Captain Lee,
Dr. Nabors-Psychology-
PREA Compliance Coor.(J. Doe)
& Admin. Remedy Coor.(J. DOE).

§ NOTICE : Action involves Fed. R.
Civ. Proc. (5.1.) /
§ Constitutional Challenge
to several Federal Stat.s
§ 28 USCS § 2403
Related Filings :
§ 28 USCS §§ 2241 et.seq. Petition
28 USCS § 1346 FTCA Suit
§ 28 USCS § 1915 IFP/Mot. for Counsel
§ Fed. R. Civ. P. (5.1.) MOTION

EP16CV0406

28 USCS § 1331 Federal questions presented;

id BIVENS, Action v. Six UNKNOWN AGENTS /FBN

413 U.S. 388; 29 L. ed. 2d 412 (1971)

NOTICE: Obstruction of Fed. Agency proceedings

18 USCS §§ 1501--1519

SEXUAL ABUSE OF THIS Prisoner/Plaintiff by Federal Officers

18 USCS §§ 2241 et. seq.

STATEMENT OF JURISDICTION

The SUBJECT-MATTER-JURISDICTION OF THIS COURT IS,
HEREBY, INVOKED PURSUANT TO 18 USCS § 1331. This Action involves,
Fed. R. Civ. p. (5.1) Constitutional Challenges to several Federal
Statutes, and 28 USCS § 2403 Certification, thereto and Inter-
vention, therefrom the Highest Law Enforcement Office(r) in the
land is required. 28 USCS § 2403. These Federal Statutes are in
Constitutional Question :

28 CFR §§ 540.10-12 Correspondence
28 CFR §§ 542.10-19 Admin. Remedy Program
28 CFR §§ 135 PREA / Zero tolerance directives

18 USCS §§ 1501--1519 Obstruction of Justice/Process
18 USCS §§ 2241 et. seq. SEXUAL ABUSE

RELIEF SOUGHT

1. Forthwith, removal of Plaintiff, from defendant's Institutions [FCI, FSL, or FPC La Tuna], by un-escorted furlough transfer to any Fed. Prison Camp within 500 mi.s of Plaintiffs release residence.
(e.g. FPC Safford, FPC Tucson, or FPC Big Springs)
2. TRO- Temporary Restraining Orders, thereagainst all defendants; which would prohibit contact, proximity, or retaliation, thereunto Plaintiff...
3. Forthwith, 28 USCS § 2403/FRCiv. P. 5.1/ Intervention, by the USA Atty. Gen.; along with assistance by and through the O.I.G. (Office of the Inspector General)
4. § 1997(e)'s Exhaustion Requirements be waived;
the defendant's (WARDEN Willis) did not respond to (3) separate BP-9's for nearly 6 months; plaintiff timely-attempted to file a "SENSITIVE BP-10", educ. tech. Simpson refused to allow Jones to make copies, thereof, such sensitive filing. That filing was deposited in the US Postal Mailbox, located inside the FSL Compound, however ~~usps.. com~~ does not show receipt thereof, this registered mail-certified-return receipt package. More than likely, the institution realized JONES did not /could not make a copy; and therefore in order to delay and obstruct this grievance, the package is (missing in action/ MIA)
5. In accordance, therewith 28 CFR §§ 115 PREA/Zero tolerance directives : ALL who engaged in or initiated, and covered-up these complaints should be

5. cont.'d 28 CFR § 115 PREA/ Zero Tolerance
 TERMINATED, All defendant's have absconded and
 obstructed these proceedings, or were the proximate
 cause, thereof such PREA/28 USCS §§ 2241 et. seq.
 Issues, Complaints, and Grievances
6. ALL Defendants caused, and failed to prevent,
 emotional, psychological, and mental trauma;
 All defendants, are complicit in negligence,
 and failure to report, document, or prevent
 same, the Sexually Abusive-Morally Intrusive
 orders, set forth as an EXCHANGE/ Quid Pro Quo
 by Lt. Uribe, the knowledge and participation,
 thereof and therein, respectively ____ All defend-
 ant's together are liable in their official cap-
 acities, and individually 28 USCS § 1346 FTCA
7. This court should issue injunctive relief;
 in accordance therewith; 28 CFR § 115 PREA/
 Zero tolerance; furthermore an Immediate Jury
 Trial, Plaintiff requests \$\$ 1,000,000.00 in
 Physical/Sexual/Emotional Abuse Damages; and
 punitive damages, shall be decided, thereby
 said Jury.

 GROUNDS FOR MOTION

- A) More than likely, the administrative remedy coor.
 intercepted, Plaintiff's (SENSITIVE BP-10),
 perhaps, prompted by educ. tech. Simpson who tor-
 cibly required JONES to show her what was to be
 copied, then refused to allow him to copy same.

- B] The aforementioned, BP-10/Sensitive, was the next phase of defendants 3-tier/admin. remedy prog. (3) BP-9's were not responded to for nearly (6)mo.s; Captain Lee and CO Hernandez, ignored subsequent attempts to report and document same, finally defendant/Dr. Nabors Psychology also dismissed, and disregarded Plaintiffs claims of Sexual Abuse
- C] The actions of LT. Uribe are materially indistinguishable from the prohibited misconduct, as contained therein, 18 USCS §§ 2241 et. seq.; moreover such HOMOSEXUALLY Deviant ORDERS, are a violation of this prisoner's Rights to be secure in his person, effects, and property from unreasonable searches; also to be free and protected from Cruel and Unusual Punishment. **In other words, no contraband was found, No Incident Report was Filed, the False accusations, are belied; and the Morally Repugnant Orders and Homosexually Voyeuristic spectating is so unwarranted and Vile, Termination, is too , Forgiving, Prosecution under Sex Offender Status should be automatic, and Extreme Punitive Damages might send a message to the FBOP-Federal Officers who regularly engage in such horrific misconduct.
- D] CO Corral and CO Mendoza were aware of such ORDERS, CO Hernandez viewed the obscene- Self.Body.cavity. search, also CO Hernandez confirmed that the morally invasive and sexually abusive search was documented, logged, videotaped, etc.

- E] DR. Nabors and WARDEN J.L. Willis, maintained a posture of indifference, thereto these § 1746 sworn allegations, delays of the responses to the (3) BP-9's of nearly 6 months was statutorily impermissible, but under these horrific circumstances such indifference is unforgiveable, 28 CFR §§ 115 PREA /ZERO Tolerance, requisite [REMOVAL/TERMINATION] should be expected
- F] Defendant's should not be permitted to control and manage (28 CFR § 540.10-12) prisoner's grievances; BECAUSE, they are usually the proximate cause, thereof. Those unresolved grievances become Federal District Court Proceedings, in which they inevitably become the defendants, thereunder. Obstruction, Delay, or Destruction of Inmate's Grievances is clearly 18 USCS §§ 1501--1519 violative; and a breach of 1st, 5th, and 14th amd. protections, as well. § 1519 " Whoever knowingly alters, impedes, covers-up, makes false entries... in ANY matter within the Jurisdiction of any Federal Department or Agency of the United States... in relation to ANY Matter, or the contemplation, thereof... shall be punished upto 20 years...
- G] 18 USCS §§ 2241 et. seq. " Whoever... in a Federal Prison, or Institution... knowingly causes another, or engages in any SEXUAL Act... UPTO LIFE IMPRISONMENT
-

CONCLUSION

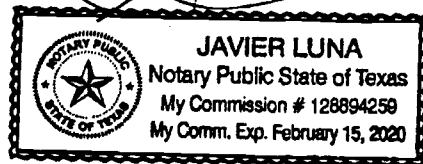
Indisputably, there are at least four people/Federal Officers, who knowingly permitted, and failed to prevent... the 18 USCS §§ 2241 et.seq. SEXUALLY ABUSIVE ORDERS, to become fulfilled, viewed, and completed. More than likely that confederation, neither documented, nor kept the video of same. The accusations were belied; NO Contraband was ever discovered, nor proven, moreover LT Uribe is neither qualified, nor authorized to induce such morally repugnant, and highly intrusive-SELF.BODY CAVITY SEARCH. However, it is confirmed that he is a HOMOSEXUAL, it is rumored that this is one of many deviant scandals and occurrences of SEXUALLY Abusive Misconduct, thereby LT. Uribe, and these officers. The legal mail tampering, obstructions, and delays or destructions must be taken seriously; the sworn complaints of SEXUALL Harrassment are matters for the HIGHEST Law Enforcement Office(r) in the LAND. 28 USCS § 2403/ FED. R. Civ. P.(5.1)

Signed, Sealed, and Witnessed, by me

this 29th, day of August, 2016 ;

YEAR of our, (LORD).

x [Signature]
(notary public/Seal)



Respectfully Submitted,

x [Signature]
(Jonathan Jones/21477-051)
[Signature]

28 USCS § 1746 Affidavit, In Support , thereof:

[§ 2241 Habeas Pet., § 1346 FTCA-Suit, and id BIVENS Action]

THE FOREGOING SALIENT FACTS, are permitted and required, in Order to support, evidence, and establish, moreover prove, these sworn declarations, as made hereunder, by AFFIANT, also witnessed, and attested, thereunto in the presence of the undersigned, notary public.& Sealed, thereby. THEREFORE, as-a-Matter-of-LAW, such assertions, [SHALL], with like force-- Become in effect established, evidenced, and proven by (same).

I, Jonathan B. Jones("Affiant"), as subscribed by me, present these true and correct facts, in substantially the same form, on this 29th, day, of August, 2016 :

- a) AFFIANT, attented regularly scheduled visitation, on March 14th, 2016; whereupon leaving, and having been searched already, was accosted by LT. Uribe, CO Corral and CO Mendoza. These federal officers made false claims, while attempting to intimidate affiant, that they had witnessed him receive and consume contraband of some sort.
- .b) Affiant was hand-cuffed, and remanded to disciplinary segregation/"close observation"-dry cell, he was rudely ordered to produce urine and fecal samples [within the first 24 hours (2) stool, and (1) urine were all tested and found to be without a trace of any chemicals, contraband, or foreign substance, whatsoever.

- c] On March 15th, 2016, at or about 1p.m., affiant was approached, while still under "close observation", by Lt. Uribe, he was asked to produce more samples. Affiant was dehydrated, could hardly intake any food-due to stress, and uncertainty of this predicament, finally affiant requested a laxative(i.e. as per FBOP Policy 5521.06 (c) (3)). Lt. URIBE, responded, in an unacceptably inappropriate manner, [THAT Inmate Jones could use his finger/hand to obtain sample]
- d] Lt. Uribe further offered, a quid pro quo/exchange, etc.
 [IF INMATE JONES WOULD ALLOW CO HERNANDEZ, AND HE TO SUPER-VISE, WHILE HE REPEATEDLY FINGERED HIS ANUS TO REMOVE SAMPLES He, LT. Uribe would release Jones, back to regular housing, from "close observation"/ S.H.U.
- CO 's Corral and Mendoza are aware of such proffer, Captain Lee was also notified of same, and WARDEN J.L. Willis has ignored, and failed to properly document, or report same, in accordance, therewith 28 CFR § 115 PREA- ZERO Tolerance Directives
- e] Some samples were obtained, to the dissatisfaction of Lt. Uribe, on March 17th, midmorning, or so, a second sample was provided, also negative. JONES was finally released-back-to inmate general housing[NO Infraction Reported]
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- h] CO Hernandez, confirmed that the morally intrusive, sexually abusive, and criminally violative-Offer, Order, and self-Body Cavity search, witnessed by him, was logged.

h] On April 23rd, 2016, LT. russel(S.I.S.) interviewed affiant, Lt. URIBE, was conveniently within earshot,close proximity.

The videotape from March 15-17, 2016, the transcript of that interview, and any other documentation which should have been completed, is being withheld from affiant

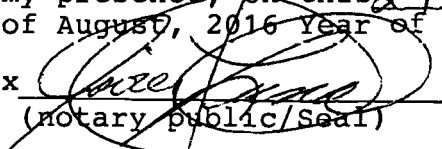
i] Affiant submitted (3) separate BP-9's, outlining the different aspects, and misconduct, or negligence, described herein. The WARDEN's responses were delayed over 5 months; Affiant attempted to submit a "SENSITIVE BP-10", education tech. Simpson refused, to allow JONES to make copies, the package, (i.e. BP-10 Sensitive, Affidavit, & exhibits) were sealed, and deposited in the PRISON Mailbox, with pre-paid certified-registered-return receipt mail. USPS.com does show where this package was received, at the EL Paso-Post Office, the coupon for registered mail was not returned, the green card/return receipt either

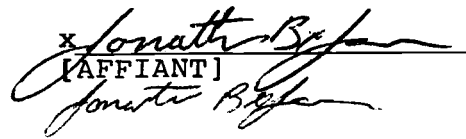
j] Lt. Caldwell of S.I.S., has been apprised of same, Affiant has prepared several related filings for submission to the district court, this affidavit will be entered in the electronic mail system, as well

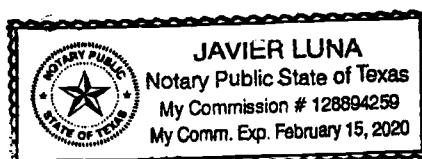
If executed within the UNITED States, its territories, possessions, or common-wealths :

I, Jonathan B. Jones(214-77-051), declare, certify, verify, and State; under penalty of perjury 28 USCS § 1746, that the foregoing is TRUE and Correct, as submitted this 29 th day of AUGUST, 2016

Signed, Sealed, and Sworn in my presence, on this 29 th day of August, 2016 Year of Our[LORD]

x  (notary public/Seal)

x  [AFFIANT]



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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY NAE DEPUTY

IN THE UNITED STATES DISTRICT COURTS

JUDGE PHILIP MARTINEZ

pg.s 1/3

THE W.D. OF TEXAS / EL PASO DIVISION

BY NAE IN Re: JONATHAN JONES,
PLAINTIFF,§ NOTICE: Action involves FRCiv.P.
(5.1) Constitutional Challenge
§ to Federal Statutes 28 USCS § 2403

v.

§ Related Filings :

The UNITED States of America, § 28 USCS § 2241 Habeas Corpus Pet.
 Warden J.L. Willis, Dr. Nabors, § 28 USCS § 1346 FTCA Suit
 Lt. URIBE, CO Mendoza, CO § 28 USCS § 2403 & id BIVENS Action
 Hernadez, and CO Corral, § 28 USCS § 1915/Motion for Counsel
 2-unamed Facilities CO's & In Forma Pauperis Status
 electric & plumbing details, §
 USA Attorney General-
 Mdme. LORRETTA LYNCH. §

Cause. No.

EP16CV0406

Federal Rules of Civil Procedure (4) SUMMONS

[MOTION TO COMPEL THE RESPONDENTS TO WAIVE SERVICE]

December 15th, 2015 Fed. R. Civ. P. (4) Amendment

"DUTY TO AVOID COSTS OF UNNECESSARY SERVICE"

RELIEF REQUESTED

1. I, Jonathan B. Jones, ("PLAINTIFF/Petitioner"), in these matters, humbly and respectfully, move this court-
for an " ORDER ", directing the repondents/Defendants
as listed, herabove, to : [WAIVE THE UNNECESSARY COSTS
OF FRCiv. P. (4) Service]
2. In the alternative, that the district clerk(Mdme. Jeanette C. Clack), certify these filings, in accordance, therewith
28 USCS § 2403 and FRCiv. P. (4) SUMMONS, to all defendants
specifically, the USA Attorney General, by certified mail.
At the direction of the district court, should waiver,
not inhere, Proper Service, by and through the US Marshals,
along with, the USA Attorney's Office, and that a true

2. cont.'d and correct copy of each filing is presented,
thereto, the as listed defendants. :

- a] FRCiv. P. 5.1 Constitutional Challenge
- b] 28 USCS § 2241 Habeas Corpus Petition
- c] 28 USCS § 1346 FTCA Suit
- & d] id BIVENS Action

GROUNDS FOR Fed. R. Civ. P (4) SUMMONS

Plaintiff is a Federal Prisoner, being housed at the defendant's institution, where these egregious violations occurred.(ie. FCI/FSL La Tuna 8500 Doniphan Rd. ,El Paso, TX. 79901) This litigant is proceeding, in the form of a pauper, therefore, if the defendant's refuse to waive service, or if this court,does not compel same- PROPER Service is an undue hardship, burden, etc. thereupon this indigent Plaintiff.

It is in the intersts of JUSTICE, that defenant's waive the unnecessary costs of service, or that this court direct them to do so... Should that not avail, the district court could instruct the district clerk's office, by and through the US Marshals, and the USA Attorney's to fulfill same. FRCiv. P. (4)SUMMONS (i.e. service) 28 USCS § 2403

CONCLUSION

The December 15th, 2015 Amend./FRCiv. P(4), Judicial Economy, and Fundamental Prudence, dictate that, if FRCiv.P(4) Service is not waived, the district court, with the assistance of the district clerk, and the authority of the US Marshals, could complete, same. FRCiv. P. (4) **SUMMONS**

DECLARATION OF MAILING

I hereby, declare under penalty of perjury 28 USCS § 1746, that I(Jonathan Jones/Plaintiff-Petitioner) in the hereunder listed matters, deposited same, into the id HOUSTON v. Lack, 487 US 266-7 (1988) "Prison Mailbox", on this 3 th, day of August 2016, therewith sufficient postage affixed, thereto.

x Jonathan B. Jones
(Declarant)
Jonathan B. Jones

CERTIFICATE OF SERVICE

As required by the Fed. R. Civ. P.(4), inter alia, I have prepared for delivery to the [W.D.of Texas-El Paso/district clerk, the USA Atty. Gen, and the as listed defendants], one original, and one copy. The USA Attorney's are ECF users, and could be served through the court's ECF system.

THE USA Attorney General 28 USCS § 2403
receives correspondence at 10th and CONSTITUTION Ave.,
Washington, D.C. 20530

The Defndants(i.e. WARDEN J.L. WILLIS, Lt. Uribe, CO Mendoza, CO Hernandez, CO Corral, Dr. Nabors, Captain Lee, etc.
would receive correspondence at: 8500 Doniphan Rd., El PASO,
Texas 79901

The UNITED STATES of America/USA Attorney's are ECF users

The aforementioned, documents were placed in the U.S. Mailbox located inside the FSL La Tuna Compound, on this 3th, day of August, 2016, with pre-paid certified postage, affixed, thereon

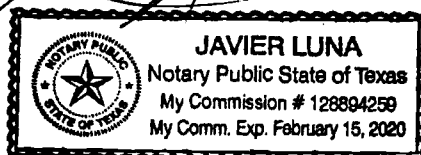
x Jonathan B. Jones
(server)

SIGNED, SEALED, AND WITNESSED BY ME

ON THIS 29th DAY, OF AUGUST, 2016

YEAR OF OUR [LORD]

x [Signature]
(notary public Seal)



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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY AKC DEPUTYIN THE UNITED STATES DISTRICT COURT
FOR THE W.D. OF TEXAS / EL PASO DIVISION**JUDGE PHILIP MARTINEZ**IN Re; JONATHAN BROOKS,
PLAINTIFF/PETITIONER,
v.THE UNITED STATES, ATTORNEY
GENERAL, FBOP-FCI/FSL La Tuna
WARDEN J.L. Willis, Lt. Uribe,
CO Mendoza, CO Corral, &
CO Hernandez, Captain Lee,
Dr. Nabors -Psychology.
(et.al.)§ NOTICE: Action involves
[Fed. R.Civ. P. (5.1)]
§ Constitutional Challenge
to several Federal Stat.s
§ - 28 USCS § 2403**Related Filings:**§ 28 USCS §§ 2241 et.seq. HABEAS
§ 28 USCS §§ 1331, 1346 FTCA Suit
id BIVENS, Action§
§**EP 16 CV 0406**

MOTION PURSUANT TO : Fed. R. Civ. P. 5.1

28 USCS § 2403 Certification, Intervention, and Investigation
hereby Requested, by and through, the USA Atty. General

[Mdme. LORRETTA LYNCH]

§ RELIEF REQUESTED

1. Intercession, thereby the HIGHEST Law Enforce-
ment Office(r), in the land is long-since over-
due; The administration and staff at the FCI/
FSL La Tuna-FBOP, are regularly appearing def-
endant's in the W.D. of TEXAS/El Paso Division
for similar allegations(i.e. deliberate indif-
ference to Inmate's Medical Concerns, Obstruc-
tions and Destructions of Prisoner's Grievances
or Legal Mail, and Sexual Abuse/Sexual Harras-
sment Issues involving staff-and-inmates.

2.

28 USCS § 2403

2. The USA Attorney General may issue an immediate cease and desist, of this institution's 28 CFR §§ 542.10-19 Grievance Procedures, the defendants impede, obstruct, and regularly destroy and lose inmate's grievance filings & legal mail
3. All of the as listed defendant's, have violated, inter alia, 28 CFR §§ 115 PREA Zero Tolerance directives- **IMMEDIATE TERMINATION IS THEREFORE THE PRESCRIBED BY STATUTE RESOLUTION, CRIMINAL PROSECUTION SHOULD ALSO BE INEVITABLE.**
4. The USA Attorney General, in accordance therewith 28 USCS § 2403/ Fed. R. Civ. p. 5.1, should answer, investigate, and repudiate or correct Plaintiff's sworn claims of Obstructions and destructions of Legal Mail, &/or 28 USCS § 1746 claims of Criminally Sexual Abuse, Orders, Negligence, Voyeurism, and FAILURES to Report same.

 GROUNDS FOR FRCiv. P. 5.1 MOTION

- A. If the defendant's actions, orders, negligence, witnessing and voyeurism, as sworn to, in the attestations and declarations, herein and therein Plaintiff's (Aug. 29th, 2016/Affidavit) are not egregious violations of this prisoner's Federal Constitutional Rights, and also in violation of several Federal And State Criminal Statutes...

A] cont.'d

ALL together, these statutes are of no Force,
and no Effect, Constitutionally Invalid, and
VOID, or in other words, Legal Nullities.

B] These statutes are presented for FRCiv. P. 5.1
Constitutional Challenge :

18 USCS §§ 2241 et. seq. SEXUAL ABUSE
18 USCS §§ 1501 et. seq. OBSTRUCTION of Fed. Proc.
28 CFR §§ 540.10-12 Correspondence
28 CFR §§ 542.10-19 Administrative Remedy Prog.

SUBSTANTIVE FACTS OF THE CASE

- i) The as listed defendants, continue a pattern practice of delays, misinformation, obstructions and destructions of Inmate's Legal Filings(i.e. § 542.10 Grievances)
- ii) This plaintiff has submitted several complaints to various staff and administration members, to no avail
 - (3) BP-9's were not responded to for nearly 6 months,
 - (1) SENSITIVE- BP_10 was "LOST" or destroyed, but not delivered, nor acknowledged by the institution
- iii) This plaintiff, immediately reported these atrocious SEXUALLY Abusive and psychologically traumatic events to High ranking staff, and the participating CO's-- more than likely the VIDEO, of same, and the requisite documentation, thereof IS mysteriously not available
- iv) Plaintiff was remanded to disciplinary segregation/"dry cell--close observation" based on false charges. NO evidence, No positive results(i.e. urine, fecal, or x-ray examinations), furthermore NO Infraction, nor

- iv] cont.'d nor any Incident Report of any sort was ever issued. LT. Uribe and CO Corral intercepted inmate JONES after being strip-searched, upon returning from visitation.
- v] THESE Federal Officials attempted to intimidate JONES, by falsely accusing, that they viewed and videoed JONES receiving, then consuming contraband- JUSTIFICATION for "Dry Cell/Close Observaton" --Disciplinary Segregation-Investigation, etc.
- vi] Approximately, 36 hours under "close observation/dry cell" watch (2) fecal samples, and (1) urine sample later-- LT Uribe- forcefully suggested-ORDERED JONES to obtain FECAL Samples, by repeatedly fingering his anus, while CO Hernandez, and HE LT. Uribe viewed, to their HOMO-SEXUALLY Deviant and obvious Pleasure. CO Corral & CO Mendoza are aware of this, and also provided false accusations, in order to justify[disciplinary seg/dry cell]
- vii] THIS Morally Repugnant, SEXUALLY-Criminally ABUSIVE, and unreasonably intrusive- SELF.BODY.CAVITY.Search was completed, ONLY BECAUSE, JONES BELIEVED Lt. Uribe could and would release him from SHU/Disc. Seg/DRY Cell, etc. if the samples were negative. THIS was the exchange and offer made by LT.Uribe/witnessed by CO hernandez
- viii] The samples were not satisfactory, for LT. Uribe; although, they tested negative for contraband. [ONLY the WARDEN can release inmates from SHU] Plaintiff, reported to CO Hernandez, that he wished to commit suicide, moral degradation, and inhumane violations as described, were the proximate cause

- ix] Plaintiff, also reported same, to Captain Lee, on main-line, shortly after being released from SHU/Dry Cell, etc. Cpt. Lee insulted inmate JONES, and dismissed the claims.
- x] Plaintiff filed (3) BP-9's which were not answered for almost (6) months. JONES also filed, "SENSITIVE/BP-10", educ. tech SIMPSON refused to allow JONES to make copies. The one and only copy was sealed, packaged, ~~and deposited~~ in the U.S. Postal MAILBOX, located inside the FCI Compound, USPS. com has no record of this certified-registered mailing, the registered mail coupon was not returned, the return receipt/green card either- THIS "LOST mailing, and staff refusal to allow copies of same, points to obstructions and destructions of this inmates LEGAL Mail
- xi] INMATE Thomas Fisher-filed 28 USCS §§ 2241 Petition, including similar claims of obstructions and impediments
- Inmate Joseph Gianni, filed similar claims, also deliberate medical indifference, legal mail tampering
- Inmate Alejandro Garza, filed same type SEXUAL Harrasment Claims, and Obstruction to Grievance Process
- Inmate Gonzalez has file § 1346 FTCA Suit/staff negligence, and destruction or Obstruction of LEGAL MAIL
- xii] THE USA Atty. GEN. (Mdme. Lorretta Lynch) is the dept. Head, of the Dept. of JUSTICE, and thereover the FED. Bureau of Prisons-- If she won't or can't address and correct these HORRIFIC Violations of Law and Prisoner's Rights, then we as a Country and a People, have little Hope of Continued Constitutional Freedom, nor could or should, we expect Protection, therefrom such Abuse of Federal Governmental Officers, in positions of Authority.

ARGUMENT: POINTS OF Law and Authorities

"There is implied RIGHT of Action, thereagainst, Federal Agents who violate the Constitution(i.e Civil Rights, 18 USCS §§ 2241 et. seq.) which prescribes both equitable and Economic relief"

id Correctional Services Corp. v. Malesko, 534 U.S. 61,74(2001)

"Victims of Constitutional Violations by Federal Agents, have a right to recover damages against officials in Federal Court despite the absence of any Federal Statute conferring such Right"

id Sandin v. Conner, 515 U.S. 472, 484 (1995)

" An inmate's Liberty Interests are implicated when disciplinary procedures subject HIM to A-Typical Significant Hardship in relation to the ordinary incidents of Prison Life"

id SANDIN v. Conner, 515 U.S. @ 484

AViolation of the Fed. Constitution's 4th/8th amendments occurs, when the conditions of confinement are severely compromised, or a Prisoner is SEXUALLY-Physically threatened, forced, or induced to perform sexually abusive acts, specifically, if LT. Uribe ordered such 18 USCS §§ 2241 SEXUALLY ABUSIVE Acts, in exchange for release from SHU/Dry Cell, etc. for which he DID not Possess the authority, regardless... Defendant's acted with deliberate malice, sexual deviance, and Abused their custodial authority, in other words, a sufficiently culpable-state-of-mind, moreover -in complete disregard of ALL Criminal and Moral Standards 18 USCS § 2241 id Farmer v. Brennan 511 U.S. 825, 834 (1994)

The plaintiff's sworn allegations, are sufficient evidence, plausible, and moreover impossible to misunderstand. The defendant's ignored, delayed, obstructed, and more-than-likely destroyed, this plaintiff's grievances... Those grievances, included claims of SEXUALL Malfeasance and Abuse. If the defendant's were not GUILTY, or worried why have these allegations not been properly documented, addressed, or repudiated. Instead, misinformation; (6) month delays-responses to BP-9's which ignore the substantive claims; and although inadvertent, perhaps- the confederation of staff to deny access to copies, and the mysterious-"lost" never logged, nor received "SENSITIVE BP-10" of May 2016

-- The defendant's should not be allowed to manage and control, inmate grievance correspondence, for which, they are usually the direct and proximate causes, thereof Those grievances when unresolved, become FEDERAL Dist. Court proceedings. 18 USCS §§ 1501, 1519 "Whoever, knowingly alters, destroys, impedes, obstructs, or influences the investigation or proper administration of any matter, within the Jurisdiction, of any Department or Agency of the UNITED States..."

-- The defendant's are aware that 18 USCS §§ 2241 et. seq. prohibits and punishes, aforementioned § 1746 allegations; furthermore, their failures to comply with PREA/Zero Tolerance Directives 28 CFR §§ 115, is in addition to, the criminal violations, and circumventions of the inmate's 4th & 8th amendment rights, among othr things...

Ironically, although tragically 18 USCS §§ 2241 et. seq. ;
 reads : " Whoever, within the special maritime, or ter-
 ritorial Jurisdiction of the UNITED STATES, or in a
FEDERAL PRISON, or any Institution ...

(1) Causes another to engage in a sexual act by threatening

(2) engages in a Sexual Act...

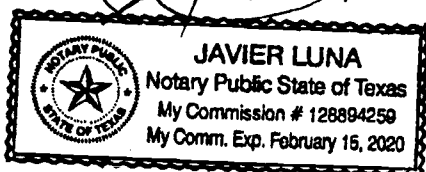
def. (2.c) SEXUAL Act means- penetration, however slight
 (i.e. genitals, anus, by mouth, hand, or other)

 CONCLUSION

In the last 24 months, the FCI/FSL La Tuna administrators,
 and staff("DEFENDANTS") have escaped real investigation or ad-
 monishment for similar complaints of misconduct (i.e Legal Mail
 Tampering, SEXUAL Abuse/Harrassment) This plaintiff was trau-
 matized, the defendants have purposefully obstructed the grie-
 vance procedures, their culpability is obvious. The USA Atty.
 Gen. can longer ignore these repeated claims of Malfeasance.

Signed, Sealed, and Witnessed by me,
 this 29th, day of August, 2016
 Year of Our, & LORD 1.

x *[Signature]*
 (notary public/Seal)



Respectfully Submitted,

x *[Signature]*
 (J. Jones/21477-051)
[Signature]